



## TOWN OF ARLINGTON

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### ARLINGTON CONSERVATION COMMISSION

Arlington Conservation Commission  
Minutes  
September 20, 2018

Mr. Stevens called the meeting to order at 7:33 p.m. in the second floor conference room of the Town Hall Annex. Present were Commission Members Nathaniel Stevens, David White, Charles Tirone, Curt Connors, Susan Chapnick, Pam Heidell; Associate Commission Member Cathy Garnett who arrived approximately 15 minutes late; and Conservation Agent Emily Sullivan. Commissioner Mike Nonni was not present. Also present were David Haines, Normand Gamache, Jim Juilano, Esq., and Dan Wells.

#### **Executive Minutes 9/6/2018**

Commission reviewed 9/6/2018 Executive Minutes. S. Chapnick moved to approve minutes, C. Connors seconded, all in favor, motion passed.

#### **Minutes 9/6/2018**

Commission reviewed 9/6/2018 Minutes. Discussion on minutes formatting. C. Connors moved to approve minutes, S. Chapnick seconded, all in favor, minutes passed.

#### **Settlement Agreement - 47 Spy Pond Lane**

*Documents Reviewed: 47 Spy Pond Lane Settlement Agreement*

N. Stevens reviewed settlement agreement for pending litigation against the Commission. Settlement required the full NOI process, except for filing fee. C. Tirone asked whether settlement is a public document, and if it is under the new or old Town wetland regulations. N. Stevens and C. Connors confirmed old regulations would apply as the project initially was filed under the old regulations.

S. Chapnick questioned why the settlement is under old regulations when it is a new NOI, particularly because climate change resilience was not included in the old regulations, but was added to the version approved this past March. There are also differences in language about impervious surfaces. S. Chapnick requested that it is made clear that the settlement is under the former regulations during public hearing.

P. Heidell question whether this settlement can be discussed during this Conservation Commission meeting because it was not listed on the agenda. The settlement was finalized Wednesday, September 19th, signed by the applicant that day and he was filing his new NOI the next day, and therefore was unanticipated.

Motion to approve settlement postponed until C. Connors reads through the entire agreement.

**Notice of Intent (continuation from 8/16/2018 hearing) - 17 Mill Street**

*Documents Reviewed: project site map, wall restoration plans, wildlife habitat findings report  
Resource Area: Mill Brook, 100 Ft Adjacent Upland Wetland Resource Area (AURA) under the  
Arlington Wetland Regulations, 200 Ft Riverfront Buffer Zone, FEMA floodway*

N. Stevens recused himself from the matter because parent company of applicant is a client of his law firm, D. White took over as temporary Commission Chair.

No quorum for this Notice of Intent, since some Commissioners were not at the original 8/16/2018 hearing, and M. Nonni who was there then was not present. Discussion on whether or not abutters were at last meeting. A majority recalled that there were members of the public present, and they were curious about project and were present when it was announced that the hearing would be continued to tonight, but did not show up. The members of the public present at the 8/16/2018 hearing did not express opinions about the project. It was noted that in order to comply with the "Mullin Rule" a member who missed a hearing needs to review audio or video of the missed hearing. The Conservation Commission does not usually tape or video record meetings and did not for the first hearing for this NOI.

Commissioners and 17 Mill Street representatives decided to present the application as if it was the first night of hearing (i.e., same presentation as 8/16/2018 hearing).

The project site is located on the eastern side of Mill Street, on a 2.4 acre lot, that contains a 5 story brick apartment building. The project site is bisected by Mill Brook, which is culverted on the northeast end of property. The north side retaining wall has eroded in some areas, while the south side retaining wall is destroyed in areas. The project scope is to repair the north wall and reinforce the south wall. All construction materials would be lowered into Mill Brook from the street; nothing would be staged in the brook. This project has not received any technical comments from Massachusetts DEP or the Town Engineer.

P. Heidell was concerned with erosion control. N. Gamache (Professional Land Surveyor on behalf of applicant) discussed proposed use of straw waddles, sand bags on northern side of retaining wall, and silt bags/buoys if big rain event impending. N. Gamache clarified that sand bags can be placed on both north side and south side walls.

D. Haines has developed treatment plan options for invasive species onsite. Invasive species onsite include Japanese knotweed, tatarian honey suckle, bittersweet, and multiflora rose.

Options for invasive removal include: 1) removal of all invasive plants with mechanical and chemical treatments, treat roots and knotweed as it resprouts; 2) mechanical removal only, which does not work for some invasives; 3) removal of knotweed and bittersweet only through mechanical and chemical treatment. Chemical treatment options were discussed for appropriateness. D. Haines confirmed that Norway maple trees are present onsite that are between 7-12 dbh. D. White suggested controlling Norway maple saplings as part of invasive management plan, but leave in larger Norway maples as to stabilize bank. D. Haines agreed. Commissioners recommended that project wait for second growing season before planting other than seedlings.

D. White inquired about signs of wildlife in project area. D. Haines noted there was not much wildlife present and there is a degraded habitat due to the retaining wall that has fallen into Mill Brook.. C. Tirone inquired about "no flow" in this area of the brook. D. Haines asserted that although he never seen "no flow", he has witnessed low flow.

P. Heidell was concerned that if the project does not get an Order of Conditions until October/November, then high flow season is about to begin. N. Gamache reassured that project work would not begin until low flow season.

N. Gamache requested a continuing condition for invasive treatment for potential next property owners. S. Chapnick mentioned that she preferred the third invasive treatment option (treat Japanese knotweed and bittersweet prior to other invasive removal) and that treatment should be staggered so as to not destabilize bank. There should also be monitoring of invasive re-growth. S. Chapnick recommended that no herbicide should be sprayed to protect surrounding resource area. Instead, application of herbicides, as needed, should be painted-on cut stems of invasive plants. D. Haines expressed his preference for option three as well. C. Tirone recommended that Commission reassess treatment options after three years of treatment.

At request of applicant, C. Tirone motion to continue hearing to October 4th at 7:30pm. C. Connors seconded, all in favor, motion passed.

**Notice of Intent (continuation from 8/16/2018 hearing) - 46 Spy Pond (DEP File Number: 091 0300)**

*Documents Reviewed: project site map, drainage calculation report, revised narrative for alternative analysis*

*Resource Area: Spy Pond, BVW, 100 Ft Adjacent Upland Wetland Resource Area (AURA) under the Arlington Wetland regulations*

N. Stevens rejoined Commission as Chair.

N. Stevens summarized that the project is proposing the demolition of a single family house and construction of a new single family house adjacent to Spy Pond, outside of the 50 ft Spy Pond zone.

J. Juilano, Esq. described that the proposed plan includes a dry well infiltration system in the front of the property and pervious pavers to reduce water runoff. C. Tirone questioned why only half of the rainwater collected by gutter system would be sent to dry well. C. Tirone suggested connecting all gutter lines to dry well. Commission requested that J. Juilano and D. Wells clarify current impervious surface within the resource area (100 ft AURA) and proposed impervious surface calculations. C. Tirone also asked if the capacity of the infiltration system was rated for a 100 year storm. J. Juilano said he would look into capacity rating.

C. Tirone noted that there was no landscape plan. P. Heidell inquired into maintenance plan for pervious pavers, particularly driveway pavers. S. Chapnick asked if there were mitigation interventions for the plan if impervious surface is increasing in buffer zone. C. Garnett requested the development of a planting plan with planting schedule. The plan and schedule should meet American Nurseyman Standards for size and number of stems in proposed plan. C. Garnett also encouraged mixed (non-monoculture) native and naturalized plantings along property's fence line. D. White recommended that the planting plan provide habitat value and not be isolated plantings. J. Juliano agreed to provide requested information.

S. Chapnick asked if proposed plan mentions climate change resilience. J. Juilano confirmed that such resilience language is presented on page four of the NOI narrative.

P. Heidell noted that endangered species present on western area of property, which would cause planting complications with NHESP within the 50 foot boundary.

S. Chapnick mentioned the similarities in project scope between 46 Spy Pond Parkway and 47 Spy Pond Lane. S. Chapnick urged Commission to be consistent with conditions in terms of requirements for mitigation for structures or impervious surfaces within the AURA. N. Stevens elaborated that 47 Spy Pond Lane has less vegetation than 46 Spy Pond Parkway. C. Garnett elaborated that 47 Spy Pond Lane has no fence between lawn and shoreline, while 46 Spy Pond Parkway has a fence and significant vegetation between the structure and shoreline.

Commission requested a site visit. J. Juliano, Esq. gave permission for members to visit the site on their own at their convenience.

C. Garnett agreed to review planting plan when submitted by Applicant. Commissioners may visit site prior to next hearing.

D. White motioned to continue hearing to October 18th at 7:30pm. C. Tirone seconded, all in favor, motion passed.

### **Settlement Agreement - 47 Spy Pond Lane**

*Documents Reviewed: settlement agreement*

C. Connors motioned to approve settlement agreement. P. Heidell seconded, no discussion, all in favor, motion passed. Commissioners signed agreement.

**Invoice Approval - Spy Pond Hatch Invoice #7**

*Documents Reviewed: invoice #7 in the amount of \$50,589.96*

Commissioners discussed invoice. S. Chapnick moved to approve invoice, C. Tirone seconded, all in favor, invoice approved.

**Fund Approval - Mystic Riverfront Restoration Community Planting**

S. Chapnick clarified that planting would include M. Nonni's recommendations for additional milkweed and other plants including flowering plants, as well as spades and gloves for volunteers. S. Chapnick requested not-to-exceed the amount of \$500.00 from the Conservation Stewardship Fund under the care of the Arlington Land Trust. D. White moved to approve, C. Tirone seconded, all in favor, fund request approved.

**71 Dothan Street Landscape Monitoring Plan**

*Documents Reviewed: email correspondence, Oxbow monitoring report*

E. Sullivan and N. Stevens reviewed email correspondence with Oxbow and monitoring report. Discussion on knotweed removal using cutting and herbicides and if removed, then neighboring knotweed will invade site, and thus it might not be worth impacts of chemical treatment on the resource area. Commission recommended that Oxbow attend the 10/18/2018 Conservation Commission meeting if they believe it is worthwhile to apply for a variance in or amendment of the Order of Conditions.

**1167R Mass Avenue**

E. Sullivan summarized that property owner would like to dig two additional borings for geothermal system. Conservation Commission approved the additional two borings that would be under pavement. E. Sullivan will write letter approving this minor additional work.

**Paint the Town Green Event**

E. Sullivan stated she will manage a dual Conservation Commission and Planning and Community Development table at the community outreach event on 9/23/2018. S. Chapnick volunteered to help out during the event.

**Town Day**

S. Chapnick summarized public engagement during the event on 9/15/2018. N. Stevens thanked volunteers. Commissioners discussed tent ideas and engagement activities for next year's Town Day.

**MassDOT Spy Pond Sand Bar Stakeholder Meeting**

C. Garnett, S. Chapnick, and E. Sullivan attended meeting on 9/13/2018. S. Chapnick summarized meeting and elaborated on sampling methods the consultant, VHB, are going to use to collect more data on the sand bar. The sampling (core samples of the sand/sediment) is scheduled for 10/25/2018 and 10/26/2018. N. Stevens requested that S. Chapnick report meeting update to Town Counsel.

**McClennan Park Sedimentation**

E. Sullivan and S. Chapnick working with Town Engineering.

**Conservation Land Stewards**

E. Sullivan announced that the next Land Stewards meeting is scheduled for October 11th, 2018 from 6-7pm in the second floor Town Hall Annex conference room.

**Symmes Woods Inventory**

E. Sullivan and M. Nonni inventoried woods with contracted Conservation Restriction monitor, Jenn Tuomala, on Wednesday, 9/19/2018. The woods were inventoried for changes in baseline conditions, invasive species, and encroachment.

**Notice of Violation - 17 Laurel Street**

E. Sullivan sent Notice of Violation to property owner and requested presence at the 10/4/2018 Conservation Commission meeting. E. Sullivan conducted a walk-by and observed expanded pavement but could not clearly see backyard. Pavement is in a resource area.

**Notice of Violation - 14 Reed Street**

C. Tirone suggested that agenda item be moved to administrative review for E. Sullivan to handle. Other Commission members agreed. The violation issue was pruning and/or removal of trees within a resource area.

Meeting adjourned at 10:15pm

Respectfully submitted,  
Emily Sullivan